

Application No. 10/526,907
Amendment dated December 16, 2005
Reply to Office Action of September 20, 2005

Docket No.: HO-P03139US0

REMARKS

The following issues are pending in the application:

- Claims 1-8 are rejected under 35 U.S.C. 102.

Claim Amendments

Independent claim 1 has been amended to recite a container body and a lid connected to it in which the container body has a peripheral flange adjacent to a dispensing aperture formed on the outer wall of the container body. Support for this amendment is found in paragraph [0020] and Fig. 1. No new matter has been added.

35 U.S.C. 102(b)

Claims 1-8 have been rejected under 35 U.S.C. 102(b) as having subject matter anticipated by U.S. Patent No. 6,102,257 to Goyet. Applicant respectfully traverses this rejection.

Goyet discloses a container body having a recess and a lid having a connecting land. The contained body is substantially cylindrical and the lid is substantially round. A claim is anticipated only if each and every element as set forth in the claim is found either expressly or is inherently described in a single prior art reference. *Verdegaal Bros. v Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987). Applicant respectfully submits that nowhere does the Goyet reference teach or disclose a container body and a lid connected to it in which the container body has a peripheral flange adjacent to a dispensing aperture formed on an outer wall of the container body. The container body of Goyet does not include a peripheral flange adjacent to a dispensing aperture. Therefore, Applicant respectfully asserts that since Goyet fails to teach or suggest each and every limitation of the presently amended independent claim 1, a rejection under 35 U.S.C. 102(b) cannot be sustained. Since dependent claims 2-8 depend at least in part on amended independent claim 1, they by definition are not anticipated by the Goyet reference. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejection of claims 1-8 under 35 U.S.C. 102 as having subject matter anticipated by U.S. Patent No. 6,102,257 to Goyet.

25607031.1

4

BEST AVAILABLE COPY

Application No. 10/526,907
Amendment dated December 16, 2005
Reply to Office Action of September 20, 2005

Docket No.: HO-P03139US0

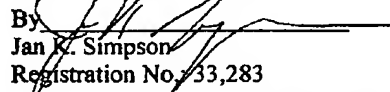
CONCLUSION

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 06-2375, under Order No. HO-P03139US0 from which the undersigned is authorized to draw.

Dated: December 16, 2005

Respectfully submitted,

By 
Jan K. Simpson
Registration No. 33,283
FULBRIGHT & JAWORSKI L.L.P.
Fulbright Tower
1301 McKinney, Suite 5100
Houston, Texas 77010-3095
(713) 651-5151
(713) 651-5246 (Fax)
Attorney for Applicant

25607031.1

5

BEST AVAILABLE COPY